

REMARKS

Claims 1-29 are pending in this patent application (the subject patent application). The Examiner has essentially repeated the previous rejection of the claims under 35 U.S.C. §103(a) as being unpatentable over Lee et al. (U.S. 6,601,100) in view of Jammes et al. (U.S. 6,484,149), and has made the rejection final. The continued rejection of the claims is respectfully disagreed with, and is traversed below.

As was previously pointed out, the commonly assigned Lee et al. (U.S. 6,601,100) patent is a continuation of the patent application referred to in the subject patent application at page 9, line 19, to page 10, line 5, and the disclosure of the Lee et al. patent application is incorporated by reference in the subject patent application. The patent application referred to at page 9, line 19 to page 10, line 5 was filed on Jan. 27, 1999 and is now U.S. 6,466,970.

The subject patent application has priority back at least to September 28, 2000, which is prior to the issue date (October 15, 2002) of the Lee et al. patent 6,466,907. Consequently, it is believed that the Examiner is using the Lee et al. patents 6,601,100 and 6,466,970 as reference(s) in the 35 U.S.C. §103(a) rejection under 35 U.S.C. §102(e).

It is noted that the Lee et al. patents 6,601,100 and 6,466,970 and the subject patent application are all assigned to International Business Machines Corporation (hereinafter, IBM). For instance, see assignment data for Lee et al. patents 6,601,100 and 6,466,970 and the assignment document to IBM for the subject patent application, recorded on September 28, 2000 at Reel 012623, Frame 0566. The Lee et al. patents 6,601,100 and 6,466,970 and the subject patent application were owned by IBM at time the present invention was made. The examiner is directed to MPEP §706.02(I)(2). In accordance with MPEP §706.02(I)(2)(II), it is understood that this statement alone is sufficient evidence to disqualify Lee et al patents 6,601,100 and 6,466,970 from being used in a rejection under 35 U.S.C. §103(a) against the claims of the subject patent application. Thus, the examiner is requested to withdraw the rejections of claims 1-29 based upon the Lee et al. patent 6,601,100.

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The Examiner is respectfully requested to reconsider and remove the final rejection of claims 1-29 as being unpatentable over Lee et al. (U.S. 6,601,100) in view of Jammes et al., and to make a favorable reconsideration that results in the early allowance of claims 1-29.

Respectfully submitted:


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